HUBR-1204 (10201242)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Seinfeld
Serial No.	:	10/049,216
Filed	:	April 18, 2002
For	:	MEDICAMENTS THAT CONTAIN XENOGENIC OLIGO- OR/AND POLYRIBONUCLEOTIDES
Art Unit	:	1635
Examiner	:	J. B. Ashen

Commissioner for Patents
P. O. Box 1450
Alexandria, Va. 22313-1450

DECLARATION UNDER RULE 132

1. I am the named inventor of this patent application.

2. I submit this declaration in response to the office Action of September 23, 2004.

3. The attached experiments were conducted by me or at my direction and show that the claimed invention is effective as a treatment for Herpes labialis and Herpes genitalis. The methods and results of the studies are attached.

4. To summarize, the results show that treatment of Herpes labialis and Herpes genitalis according to the claimed method yields reduced recurrences, reduced frequency of occurrences and prolonged the time between occurrences.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

04-21-2005
Date

ppa. Dr. Hugo Seinfeld

Herpes labialis

Biometrical Analysis of a clinical double-blind study on the efficacy of p-NA powder in the treatment of Herpes labialis (HSV 1)

Summary:

The working hypothesis of this study is that p-NA Powder (XF* or XT**, i.e. p-nucleotides) is an efficacious treatment of HSV-1 infections.

The aim of this biometrical analysis is the comparison of the treatment groups as with regard to efficacy. The efficacy is assessed by the absolute recurrence rate during the study year, the amount of recurrences in the observation year, the change of frequency compared to the previous year and the time to the first recurrence in the different treatment groups.

In this study (N = 90) two treatment groups (XF-Treatment, n = 30; XT-Treatment, n = 30) were compared with their respective Placebo groups (n = 30 [2 x 15]). The analysis was performed with SPSS 12.0 - on account of the greater part of the evaluation being non-parametrical.

Results (all significant; maximum level of $p = .008$):

1.) The XF and the XT treatment did lower the absolute recurrence rate over one year of study by approximately < 40%. (s. below)
2.) In more than 90% of all cases the XF- and the XT-treatment could reduce the amount of recurrences to less than four incidents per year (which was the minimum amount of recurrences in the year before in order to be accepted for the study). In the treatment groups 42% had 0 recurrences, 39% had 1 recurrence; 10% had 2 recurrences; 2% had 3 recurrences; the rest were non-responders.
3.) The treatments caused a very strong reduction of the frequency compared to the previous year (at least Cohens' $d = 1.83$).
4.) The recurrence rate distribution (i.e. the time to an eventual next recurrence) was significantly prolonged.
5.) The analysis of the differences between the XT and XF treatment as with regard to the related variables, i.e. recurrence rate, amount of recurrences, development of recurrence and time to first recurrence resulted in no significant differences.

Conclusion:

The XF- and the XT-treatment had a significant and strong effect on the absolute recurrence rate, the amount of recurrences in the observation year, the development of the amount of recurrences compared to the previous year and on the time to the first recurrence in the year following the first treatment. There were no adverse or serious adverse events, nor toxic or allergic phenomena and no deaths.

* XF This batch was extracted by AG Med. Diagnostik & Therapie
** XT This batch was obtained from Boehringer Mannheim, today Roche Diagnostics, (Hoffmann-LaRoche AG)
Both batches were extracted from Saccharomyces cerevisiae, Weihenstephan 35/73.

Herpes genitalis

Biometrical Analysis of a clinical double-blind study on the efficacy of p-NA powder in the treatment of Herpes genitalis (HSV 2)

Summary:

The working hypothesis of this study is that p-NA Powder (XF* or XT**; i.e. p-nucleotides) is an efficacious treatment of HSV-2 infection.

The aim of this biometrical analysis is the comparison of the treatment groups as with regard to efficacy. The efficacy is assessed by the absolute recurrence rate during the study year, the amount of recurrences in the observation year, the change of frequency compared to the previous year and the time to the first recurrence in the different treatment groups.

In this study (N = 90) two treatment groups (XF-Treatment, n = 30; XT-Treatment, n = 30) were compared with their respective Placebo groups (n = 30 [2 x 15]). The analysis was performed with SPSS 12.0 - on account of the greater part of the evaluation being non-parametrical.

Results (all significant; maximum level of $p = .003$):

1.) The XF and the XT treatment did lower the absolute recurrence rate over one year of study by approximately < 50%. (s. below)
2.) In more than 90% of all cases the XF- and the XT-treatment could reduce the amount of recurrences to less than four incidents per year (which was the minimum amount of recurrences in the year before in order to be accepted for the study). In the treatment groups 51% had 0 recurrences, 31% had 1 recurrence; 14 % had 2 recurrences; 0 % had 3 recurrences; the rest were non-responders.
3.) The treatments caused a very strong reduction of the frequency compared to the previous year (at least Cohens' $d = 1.85$).
4.) The recurrence rate distribution (i.e. the time to the next recurrence) was significantly prolonged.
5.) the analysis of the differences between the XT and XF treatment as with regard to the related variables, i.e. recurrence rate, amount of recurrences, development of recurrence and time to first recurrence resulted in no significant differences.

Conclusion:

The XF- and the XT-treatment had a significant and strong effect on the absolute recurrence rate, the amount of recurrences in the observation year, the development of the amount of recurrences compared to the previous year and on the time to the first recurrence in the year following the first treatment. There were no adverse or serious adverse events, nor toxic or allergic phenomena and no deaths.

* XF This batch was extracted by AG Med. Diagnostik & Therapie
** XT This batch was obtained from Boehringer Mannheim, today Roche Diagnostics, (Hoffmann-LaRoche AG)
Both batches were extracted from Saccharomyces cerevisiae, Weihenstephan 35/78.